

Serial No. 09/930,441

Docket No. HI-0042

Amendment dated June 13, 2006

Reply to Office Action dated April 6, 2006

REMARKS

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

By the present response, Applicant has amended claim 8 to further clarify the invention. Claims 1-18 remain pending in the present application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1, 7, 11 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,904,610 (Bayrakeri et al.) in view of U.S. Patent No. 6,732,369 (Schein et al.) and further in view of U.S. Patent No. 6,481,011 (Lemmons) and U.S. Patent No. 5,831,663 (Waterhouse et al.). Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al., Lemmons and Waterhouse et al. and further in view of U.S. Patent No. 5,734,853 (Hendricks et al.) and U.S. Patent No. 6,101,180 (Donahue et al.). Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al., Lemmons, and Waterhouse et al.

and further in view of Hendricks et al. and Donahue et al. and further in view of U.S. Patent No. 6,314,572 (LaRocca et al.). Claims 4, 14, 16 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al., Lemmons and Waterhouse et al. and further in view of U.S. Patent No. 6,169,543 (Wehmeyer et al.). Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al., Lemmons, Waterhouse et al., Hendricks et al. and Donahue and further in view of U.S. Patent No. 5,861,906 (Dunn et al.).

Claims 8-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al. and further in view of Dunn et al., Lemmons and Waterhouse et al.. Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al. and further in view of Lemmons, Waterhouse et al. and Hendricks et al. Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al. and further in view of Lemmons, Waterhouse et al., Dunn et al. and LaRocca et al. Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al. and further in view of Dunn et al. and Lemmons.

35 U.S.C. § 103 Rejections

Claims 1, 7, 11 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al., Lemmons and Waterhouse et al. Applicant has

discussed the deficiencies of Bayakeri et al. in Applicant's previously filed response and reasserts all arguments submitted in that response. Applicant respectfully traverses these rejections and provides the following additional remarks.

Schein et al. discloses providing television schedule information to a viewer, and for allowing the viewer to link, search, select and interact with information in a remote database, e.g., a database on the Internet. The television schedule information can be displayed on a variety of viewer interfaces, such as television screens, computer monitors, PCTV screens and the like. The television schedule information may be stored on the viewers computer, television, PCTV, or a remote server (e.g., a website), or the television schedule information may be downloaded from a remote database to the viewers computer, television or PCTV.

Lemmons discloses an interactive television program guide in which a user may inform a program guide of the user's interest. Information on the user's interest may be stored in a preferred profile. There may be more than one preference profile, each for a different user. Each preference profile contains a number of preference attributes (program titles, genres, viewing times, channels, actors, etc.). A color is associated with each preference attribute. The user is thus able to view the program listing and quickly identify programs of interest by the associated colors in the display.

Waterhouse et al. discloses an apparatus for controlling a plurality of television sets in a cable distribution network, wherein each of the plurality of television sets contains an internal

mechanism for controlling channel access to the television set. The apparatus includes a plurality of television addressable units where each of the units controls a single television set, each of the television addressable units has a demodulator and a microprocessor and associated memory operatively arranged to control the internal mechanism of the television set via control codes that contain addressability information.

Regarding claims 1 and 11, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims. For example, the Examiner admits that Bayrakeri et al. does not disclose or suggest environmental information adjustments related to broadcast reservation settings, and screen color settings. The Examiner asserts that Schein discloses environmental information adjustments related to broadcast reservation settings, at col. 16, lines 34-37. However, these portions merely disclose that each time a connection is made to an on-line service the software can search the database and set the selected type of programs to be recorded and/or retrieved for digital storage. These portions relate to storage of selected types of programs. Further, the storage occurs at the television set (see, col. 8 lines 14-18). In contrast, the limitations in the claims of the present application relate to environmental information that includes information related to broadcast reservation settings. Reservation settings and selecting programs to be recorded and/or retrieved for storage are two different concepts. Further, according to the limitations in the claims of the present application, the environmental

information is stored into a server, and not at a viewer's television set as disclosed in Schein et al.

Moreover, Applicant submits that one of ordinary skill in the art would have no motivation to combine Bayrakeri et al. that relates to the selection of a set of channels for inclusion or exclusion in a custom interactive program guide, with Schein et al. that merely discloses setting selected types of programs to be recorded and/or retrieved for storage. Bayrakeri et al. relates to the selection of channels whereas in contrast, Schein et al discloses setting a program for storage. One of ordinary skill in the art would have no motivation to make this combination since the combination with Schein et al. provides no benefits over the disclosure of Bayrakeri et al. or vice versa. Further, this combination fails to achieve the limitations in the claims of the present application.

The Examiner further admits that neither Bayrakeri nor Schein disclose or suggest environmental information adjustments related to screen caller settings, and asserts that Lemmons discloses these limitations at col. 5, lines 53-59. However, these portions merely disclose that the program guide implemented on a set-top box allows the user to specify program characteristics that will serve as preference attributes and will be specially colored in the television program listings information displayed. This is not environmental information that comprises information related to screen color settings, as recited in the claims of the present application. These portions of Lemmons relate to identifying preference attributes by specially coloring program characteristics in the displayed program television program listing information.

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The coloring of program characteristics is not screen color settings as recited in the claims of the present application.

The Examiner further admits that neither Bayrakeri, Schein, nor Lemmons disclose or suggest the method occurring inside a TV, but asserts that Waterhouse et al. discloses these limitations at col. 3, lines 6 and 7. However, Waterhouse et al. merely relates to a television addressable unit that receives codes directing it to control channel selection at a television. This is not a television receiving environmental information comprising information related to channel settings, broadcast reservation settings and screen color settings, where the environmental information is downloaded to the TV. Waterhouse et al. merely relates to a television receiving control codes for channel selection. Further, the TV in Waterhouse et al. relates to the communications traveling from the CPU to the TV in one direction only (see abstract), whereas in contrast, the limitations in the claims of the present application relate to a TV transmitting a download request of environmental information to a server, receiving the environmental information from the server, and executing the environmental information downloaded to the TV.

Regarding claims 7 and 12, Applicant submits that these claims are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1, 7, 11 and 12 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al., Schein et al., Lemmons, Waterhouse et al., Hendricks et al. and Donahue. Applicant respectfully traverses these rejections and submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim. Applicant submits that neither Hendricks et al. nor Donahue et al. overcome the substantial defects noted previously regarding Bayrakeri et al., Schein et al., Lemmons and Waterhouse et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claims of 2 and 3 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al. in view of Schein et al., Lemmons, Waterhouse et al., Hendricks et al., Donahue et al. and LaRocca et al. Applicant respectfully traverses this rejection and submits that claim 5 is

dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 5 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claims 4, 14, 16 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al., Schein et al., Lemmons, Waterhouse et al., and Wehmeyer et al. Applicant respectfully traverses these rejections.

Regarding claim 16, Applicant submits that none of the five cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of this claim. The Examiner admits that Bayrakeri does not disclose or suggest storing means for storing the initial menu, environment change program and changed environmental information, environmental information adjustments related to broadcast reservation settings and environmental adjustments related to screen caller, and the device occurring inside a TV. In this regard, the Examiner again asserts that Lemmons discloses environmental information adjustments related to screen caller settings, and that Waterhouse et al. discloses the attributes occurring inside a TV, and further, that Schein discloses environmental information adjustments related to broadcast reservation settings. However, as

noted previously, these references do not disclose or suggest the asserted limitations as recited in the claims of the present application. Further, the asserted portions in Wehmeyer do not disclose or suggest storing means for storing the initial menu as recited in the present claims.

Regarding claims 4, 14 and 17, Applicant submits that these claims are dependent on one of independent claims 1, 11 and 16 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 4, 14, 16 and 17 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al., Schein et al., Lemmons, Waterhouse et al., Hendricks et al., Donahue et al., and Dunn et al. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 6 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claims 8-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al., Schein et al., Dunn et al., Lemmons and Waterhouse et al. Applicant respectfully traverses these rejections.

Regarding claims 8 and 10, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims. The Examiner again admits the deficiencies of Bayrakeri et al. and again asserts that Schein, Lemmons and Waterhouse et al. overcome these deficiencies. However, as noted previously, these references do not disclose or suggest the limitations in the claims of the present application.

Regarding claim 9, Applicant submits that this claim is dependent on independent claim 8 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 8-10 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al., Schein et al., Lemmons, Waterhouse et al. and Hendricks et al. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 11 and,

therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 13 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al., Schein et al., Lemmons, Waterhouse et al., Dunn et al. and LaRocca et al. Applicant respectfully traverses this rejection and submits that this claim is dependent on independent claim 11 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 15 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayrakeri et al., in view of Schein et al., Dunn et al. and Lemmons. The Examiner again admits to the deficiencies of Bayrakeri et al. and again asserts that Schein and Lemmons overcome these

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deficiencies. However, as noted previously, these references do not disclose or suggest the limitations in the claims of the present application.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of claim 18 of the present application. Applicant respectfully requests that this rejection be withdrawn and that this claim be allowed.

To help the Examiner better understand the present invention, in embodiments of the present invention, environmental information is stored in the server. Therefore, when a TV located any place can be connected to network, a viewer can download pre-selected environment information by connecting to the server. The viewer can watch the TV having the selected environment information regardless of the location of the TV. Further, in embodiments of the present invention, an ID number of the viewer and environmental information corresponding to the ID number are stored in the server. Therefore, the viewer can connect to the server in any place by using a TV connectable the network.

In contrast, in the cited references a memory is disclosed, however, the memory is contained in a set-top box or a TV in order to store selected type of programs or a program guide. Therefore, in the cited references, a user can set up the selected type of programs or the program guide in the set-top box/TV having the memory. The user can not set up the selected type of programs or the program guide in a set-top box/TV located any place.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1-18 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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